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8 **BEFORE THE**  
9 **STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-32

13 **ANTHONY J. OLLIVIER**

14 781 Mabury Road  
San Jose, CA 95133

15 and

16 2591 Miramar Avenue  
Castro Valley, CA 94546

17 **Field Representative License No. FR 45048**

18 Respondent.

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

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21 **FINDINGS OF FACT**

22 1. On or about December 17, 2014, Complainant Susan Saylor, in her official capacity  
23 as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer  
24 Affairs, filed Accusation No. 2015-32 against Anthony J. Ollivier (Respondent) before the  
25 Structural Pest Control Board. (Accusation attached as Exhibit A.)

26 **Field Representative License**

27 2. On or about December 22, 2009, the Structural Pest Control Board Issued Field  
28 Representative License Number FR 45048 to Anthony J. Ollivier (Respondent). Respondent's

1 field representative license is currently in effect and was in effect at all times relevant to the  
2 charges brought herein. The field representative license will expire on June 30, 2015, unless  
3 renewed.

4 3. On or about January 20, 2015, Respondent was served by certified mail and regular  
5 mail with copies of the Accusation No. 2015-32, Statement to Respondent, Notice of Defense,  
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
7 and 11507.7) at Respondent's addresses of record which, pursuant to Business and Professions  
8 Code section 136, is required to be reported and maintained with the Board. Respondent's  
9 address of record was and is:

10 781 Mabury Road  
11 San Jose, CA 95133; and  
12 2591 Miramar Avenue  
13 Castro Valley, CA 94546

14 4. On or about February 3, 2015, Respondent was also served by certified mail and  
15 regular mail with copies of the Accusation No. 2015-32, Statement to Respondent, Notice of  
16 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
17 11507.6, and 11507.7) at the following address, which was also reported and maintained with the  
18 Board:

19 20088 Lake Chabot Road  
20 Castro Valley, California 94546

21 5. Service of the Accusation was effective as a matter of law under the provisions of  
22 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
23 124.

24 6. On or about January 28, 2015, the documents that were sent to the 781 Mabury Road  
25 and 2591 Miramar Avenue addresses were returned by the U.S. Postal Service marked "Return to  
26 Sender, Address Unknown."

27 7. On or about February 5, 2015, the documents that were sent to the 20088 Lake  
28 Chabot Road address was returned by the U.S. Postal Service marked "Return to Sender,  
Unclaimed."

1           8.     Government Code section 11506 states, in pertinent part:

2                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
3                 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
4                 of the accusation not expressly admitted. Failure to file a notice of defense shall  
5                 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
6                 may nevertheless grant a hearing.

7           9.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
8           of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
9           2015-32.

10           10.    California Government Code section 11520 states, in pertinent part:

11                 (a) If the respondent either fails to file a notice of defense or to appear at the  
12                 hearing, the agency may take action based upon the respondent's express admissions  
13                 or upon other evidence and affidavits may be used as evidence without any notice to  
14                 respondent.

15           11.    Pursuant to its authority under Government Code section 11520, the Board finds  
16           Respondent is in default. The Board will take action without further hearing and, based on the  
17           relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
18           taking official notice of all the investigatory reports, exhibits and statements contained therein on  
19           file at the Board's offices regarding the allegations contained in Accusation No. 2015-32, finds  
20           that the charges and allegations in Accusation No. 2015-32, are separately and severally, found to  
21           be true and correct by clear and convincing evidence.

22           12.    Taking official notice of its own internal records, pursuant to Business and  
23           Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
24           and Enforcement is \$1,420.00 as of March 18, 2015.

#### 25                                 DETERMINATION OF ISSUES

26           1.     Based on the foregoing findings of fact, Respondent Anthony J. Ollivier has subjected  
27           his Field Representative License No. FR 45048 to discipline.

28           2.     The agency has jurisdiction to adjudicate this case by default.

          3.     The Structural Pest Control Board is authorized to revoke Respondent's Field  
Representative License based upon the following violations alleged in the Accusation which are  
supported by the evidence contained in the Default Decision Evidence Packet in this case:

1 a. Respondent is subject to discipline pursuant to Business and Professions Code section  
2 8641, in that he failed to comply with Business and Professions Code Section 8593 and California  
3 Code of Regulations, title 16, section 1950(a) by failing to verify that he completed courses of  
4 continuing education in pest control approved by the Board. Specifically, Respondent failed to  
5 submit copies of his continuing education certificates for the period July 1, 2009, through June  
6 30, 2012.


7 **ORDER**

8 IT IS SO ORDERED that Field Representative License No. FR 45048, heretofore issued to  
9 Respondent Anthony J. Ollivier, is revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
11 written motion requesting that the Decision be vacated and stating the grounds relied on within  
12 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
13 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

14 This Decision shall become effective on August 22, 2015.

15 It is so ORDERED July 23, 2015

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19 FOR THE STRUCTURAL PEST CONTROL  
20 BOARD  
21 DEPARTMENT OF CONSUMER AFFAIRS

22 Attachment:  
23 Exhibit A: Accusation  
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